REMARKS

Claims 1, 3-12 are pending in the application. Claim 1 is herein amended. No new matter has been presented.

Rejections under 35 USC §102(b)

Claims 1, 3-4, 6-8, and 10-12 were rejected under 35 U.S.C. 102(b) as being anticipated by Saito et al. (U.S. Patent Application Publication 2002/0088767).

Claim 1 has been amended for clarification to recite "thereby obtaining an evenly-heated preform with a homogenized temperature in a thickness direction," and "wherein the compression molding, the even-heating treatment, and the stretch blow molding are continuously performed without cooling the preform formed by the compression molding to a room temperature." The amendment is supported in the original disclosure at page 9, line 27 to page 10, line 4 and original claim 1.

Responding to Applicants' previous response, the Examiner alleged as follows:

> Applicant contends that Saito does not show even preform heating follow its discharge from the compression mold. This is not persuasive because [0159] indicates that the preform retains some heat (not completely cooled after) the compression molding step. Further, [0076], [0085], [0098-01001, and [0160] describe several times that the goal of Saito is to provide an evenly-processed, homogenous final product, and that therefore, the preform and materials are evenly processed during the entire formation process. Therefore, it is maintained that [0160] would also be an even heating to support the desired result of Saito.

(Office Action, page 4, last 3 lines to page 5, line 5). The disclosures in Saito et al. cited by the Examiner are as follows:

> [0076] **In the one-stage compression molding method**, it is desired that the amount of heat possessed by the mass of the molten resin is effectively utilized at the time of melt-extruding the resin, that the mass is prevented from being locally cooled as much as possible and, particularly, a portion of the mass of melt forming the bottom portion of the preform is not cooled, and that the movement of the resin on the surfaces of the metal mold is not limited during the compression molding, from the standpoint of producing a preform having homogeneous internal texture and excellent draw-blow moldability.
>
> [0085] In order to supply the mass of melt in nearly a predetermined amount and to avoid the lower portion thereof from being cooled as much as possible, further, it is desired that the mass of **molten resin is fed in shape form of a cylinder or in a shape close to the cylinder**.

In these paragraphs, Saito et al. discusses the compression molding. These paragraphs do not disclose how the blow-molding is related to the compression molding.

> [0098] In the preform for blow-molding used in the present invention, further, no wrinkle develops in the bottom portion or in the vicinities thereof since **the molding is carried out under the above-mentioned strict temperature control** and under the conditions of expelling the residual air.
>
> [0099] The above-mentioned preform for blow-molding has no strain due to orientation by fluidization, no gate and no wrinkle in the bottom portion, and features very excellent smoothness and homogeneity in the texture. Therefore, **the blow-molded article obtained by stretch-blow-molding the preform has very excellent appearance and shock resistance in the bottom portion.**
>
> [0100] Further, **the preform makes it possible to produce a blow-molded article which permits the resin to be thermally deteriorated little as described earlier** and features excellent properties such as tensile strength, resistance against the pressure, shock resistance and heat resistance.

In paragraph [0098], Saito et al. simply discusses that the blow-molding is carried out under the above-mentioned strict temperature control and under the conditions of expelling the residual air.

In paragraphs [0099] and [0100], Saito discusses the preform and the blow-molded article. Thus, despite the Examiner's allegation, nothing in these paragraphs indicates that the preform and

materials are evenly processed during the entire formation process. It is not clear how these paragraphs of Saito et al. are relevant to the present invention. The Examiner also cited a description in Saito et al. as follows:

> [0160] Prior to effecting the stretch-blow-molding, as required, the preform is pre-heated up to a temperature suited for the drawing by such means as the hot air, infrared-ray heater or high-frequency induction heating. In the case of the polyester, the temperature range is from 85 to 120°C and, particularly, from 95 to 110°C.

In this paragraph, Saito et al. simply indicates that the preform is preheated before the stretch-blow-molding. The preheating in Saito et al. has nothing to do with the preheating of "the preform discharged from the compression molding machine while the preform maintains the heat conferred during compression molding."

Thus, Saito et al. separately discusses the compression molding and the stretch blow molding. Therefore, there is no reason for a person of ordinary skill in the art to modify the teaching of Saito to perform the stretch blow molding without cooling the preform formed by the compression molding to a room temperature. There is much less reason to incorporate the step of "performing an even-heating treatment of the preform discharged from the compression molding machine while the preform maintains the heat conferred during compression molding, thereby obtaining an evenly-heated preform with a homogenized temperature in a thickness direction," as recited in claim 1.

With the even-heating treatment and the continuous process, the potential heat of each preform after compression molding becomes constant and the preforms is sent to stretch blow molding process. Thus, a homogeneous blow molding can be realized, and synthetic resin

containers with a certain quality can be manufactured continuously. (Specification, page 24, lines 16-21).

Although the temperature is higher in the intermediate layer compared to inner and outer layers immediately after compression molding, the preform is placed in a heating atmosphere in the even-heating treatment, and the temperature of the preform is homogenized in the thickness direction during the time up to stretch blow molding. Thus, mold containers having homogeneous layers are obtained in the stretch blow molding. Also, because the temperature of the preform is stabilized at a constant level, the reproducibility of molding condition is also good. (Specification, page 24 line 22 to page 25, line 2). These advantageous effects had not been expected from Saito et al.

For at least these reasons, claim 1, as amended, patentably distinguishes over Saito et al. Claims 3, and 10-12, depending from claim 1, also patentably distinguish over Saito et al. for at least the same reasons.

Rejections under 35 USC §103(a)

Claims 5 and 9 were rejected under 35 U.S.C. 103(a) as being obvious over Saito.

Claim 5, depending from claim 4 also patentably distinguish over Saito et al. for at least the same reasons.

Claim 9, depending from claim 1 also patentably distinguish over Saito et al. for at least the same reasons.

Double Patenting Rejections

Claims 4, 7, and 11 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 5-7 of U.S. Patent No. 6,716,386.

Responding to Applicants' previous response, the Examiner alleged as follows:

> With respect to the Double Patenting rejections, applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Saito et al., which is a 102(b) prior art reference, is the publication of the application from which the '368 patent issued. Therefore, the disclosure of Saito et al. is the same as U.S. Patent No. 6,716,386. Therefore, the present claims must and do distinguish over Saito et al., and because the present claims distinguish over Saito et al., the claims also distinguish over U.S. Patent No. 6,716,386.

Specifically, U.S. Patent No. 6,716,386 does not teach or suggest, among other things, "a even-heating device to heat-treat the preform obtaining a evenly-heated preform; a preform discharger to discharge the preform from the compression molding machine and to carry to the even-heating device; a stretch blow molding machine to form the evenly-heated preform into a container product; and a container product discharger, wherein the extruder, the drop cutter, the compression molding machine, the heater, the stretch blow molding machine are constituted as a continuous system." Claim 7 depends from claim 4.

Claim 11 depends from claim 1. Claim 11 U.S. Patent No. 6,716,386 does not teach or suggest, among other things, "performing an even-heating treatment of the preform discharged from the compression molding machine while the preform maintains the heat conferred during

compression molding, thereby obtaining an evenly-heated preform with a homogenized temperature in a thickness direction" and "wherein the compression molding, the even-heating treatment, and the stretch blow molding are continuously performed without cooling the preform formed by the compression molding to a room temperature," as recited in claim 1.

For at least these reasons, claims 4, 7, and 11 patentably distinguish over U.S. Patent No. 6,716,386.

Claims 4, 7, and 11 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being obvious over claims 1-5 and 9-11 of copending Application No. 10/564,445.

Application No. 10/564,445 discloses a method and a device for forcibly inserting a drop of a molding material into a concave of a molding female die in a compression molding machine. Application No. 10/564,445 does not teach or suggest, among other things, "a even-heating device to heat-treat the preform obtaining a evenly-heated preform; a preform discharger to discharge the preform from the compression molding machine and to carry to the even-heating device; a stretch blow molding machine to form the evenly-heated preform into a container product; and a container product discharger, wherein the extruder, the drop cutter, the compression molding machine, the heater, the stretch blow molding machine are constituted as a continuous system." Claim 7 depends from claim 4.

Claim 11 depends from claim 1. Application No. 10/564,445 does not teach or suggest, among other things, "performing an even-heating treatment of the preform discharged from the compression molding machine while the preform maintains the heat conferred during compression molding, thereby obtaining an evenly-heated preform with a homogenized temperature in a

thickness direction; and performing stretch blow molding on the evenly-heated preform with a stretch blow molding machine, wherein the compression molding, the even-heating treatment, and the stretch blow molding are continuously performed without cooling the preform formed by the compression molding to a room temperature," as recited in claim 1.

For at least these reasons claims 4, 7 and 11 patentably distinguish over Application No. 10/564,445.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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